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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,340	09/22/2005	Giuseppe Grillo	NL03 0296	1296

65913 NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131	7590 09/14/2007
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EXAMINER	
AKINYEMI, AJIBOLA A	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
09/14/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

## Office Action Summary

**Application No.**

10/550,340

**Applicant(s)**

GRILLO ET AL.

**Examiner**

Ajibola Akinyemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☐ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/22/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergveld et al. (US Patent No. 6298222).

4. Regarding Claims 1 and 8, Bergveld et al. anticipates a power amplifier (Fig. 3, #4) having an amplifier supply input (Fig. 3, #6) and an output (Fig. 3, #5) for supplying a transmission signal with an output power, a power supply (Fig. 3, #8; Col. 2, line 56), a switching circuit (Fig. 3, #19), and a controller (Fig. 3, #16; Col. 2, lines 64-67) having an input for receiving a power change command (Fig. 3, #17) to control: firstly, the switching circuit to supply the first power supply voltage to the amplifier power-supply input (Col. 3, lines 1-4), and the power supply to vary a level of the second power supply voltage (Col. 3, lines 38-41; variable resistor changes the level of the voltage from the power supply terminal #8), and secondly, the switching circuit to supply the second power supply voltage to the amplifier power-supply input (Fig. 3, #10; Col. 2, lines 56-59). Bergveld et al. anticipates that the power supply has two separate outputs. The power supply terminal (Fig. 3, #8) supplies two separate voltage levels because the voltage takes two different paths: one through a variable resistor and the other with no

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resistance. It is clear that these would have different voltage levels. Bergveld et al. anticipates that there is a switching circuit between the power supply outputs and the amplifier power-supply input. One of the voltage branches contains a switch (Fig. 3, #19). This switch, when not activated, would allow the second voltage level to be applied to the power amplifier. It can be anticipated that this switch performs the same function as the switching circuit claimed. Bergveld et al. anticipates that the level of the second' power supply voltage is lower or higher than a level of the first power supply voltage if the power change command indicates that the output power has to decrease or increase, respectively.

5. Regarding Claim 2, Bergveld et al. anticipates the transmitter of Claim 1 as stated above. Bergveld et al. further anticipates the transmitter is a handheld apparatus (Col. 1, lines 11-13) and further comprises a receiving circuit (Fig. 3, #11; Col. 3, lines 8-11) for receiving a power control signal from a base station (Fig. 3, #3) to supply the power change command (Col. 3, lines 49-56; base station sends the selection signal to the table selection input).

6. Regarding Claim 4, Bergveld et al. anticipates the transmitter of Claim 1 as stated above. Bergveld et al. further anticipates the controller controlling the power supply to vary the level of the second power supply voltage (Col. 3, lines 38-41; variable resistor changes the level of the voltage from the power supply terminal #8), starting at substantially the instant the power change command is received. Bergveld et al. does not have any time constraints as to when the variable resistance value is changed. It can be anticipated that the resistance and the subsequent voltage level is changed as

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soon as the table has received a power change command and can send out a signal to change the resistance.

**Claim Rejections. 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Bergveld et al. (US Patent No. 6298222), in view of Bussen et al. (US PG Publication No. 2003/0153368).

9. Regarding Claims 3 and 9, Bergveld et al. anticipates the transmitter as claimed in claims 2 and 8 as stated above. Bergveld et al. anticipates the controller adapted for controlling firstly, the power supply to vary a level of the second power supply voltage (Col. 3, lines 38-41; variable resistor changes the level of the voltage from the power supply terminal #8), in response to receiving the power change command, while the switching circuit (Fig. 3, #19) is controlled for supplying the first power supply to the amplifier power-supply input (Col. 3, lines 1-4), and secondly, the switching circuit to supply the second power supply voltage to the amplifier power supply input (Fig. 3, #10; Col. 2, lines 56-59). However, Bergveld et al. does not anticipate that the transmitter is arranged for operation in a transmission system based on time slots and a transition period during which the output power should be adapted, the transition period

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overlapping an end and/or a start of two successive time slots, respectively. Bussen et al. teaches a communication device that is arranged for operation in a system based on time slots (Paragraph 22, lines 1-7; sleep mode period and wake-up period) and a transition period (Fig. 2, #42) during which the output power should be adapted. It would have been obvious to one of ordinary skill in the art that the transmitter of Bergveld et al. can be arranged for operation using the time slots of Bussen et al. because this would allow the power supply to last longer. Although Bussen et al does not explicitly state that the transition period overlaps an end/or start of two successive time slots, since the communication device can not make a instant transformation from sleep period mode to wake-up mode, it is clear that a transition period would overlap the two modes of operation.

10. Regarding Claim 10, Bergveld et al. anticipates the system of a base station (Fig. 3, #3) and transmitter comprising: a power amplifier (Fig. 3, #4) having an amplifier supply input (Fig. 3, #6) and an output (Fig. 3, #5) for supplying a transmission signal with an output power, a power supply (Fig. 3, #8; (col.2, line 56), a switching circuit (Fig. 3, #19), and a controller (Fig. 3, #16; Col. 2, lines 64-67) having an input for receiving a power control signal from the base station to supply a power change command (Col. 3, lines 49-56; base station sends the selection signal to the table selection input) to control: firstly, the switching circuit to supply the first power supply voltage to the amplifier power-supply input (Col. 3, lines 1-4), and the power supply to vary a level of the second power supply voltage (Col. 3, lines 38-41; variable resistor changes the level of the voltage from the power supply terminal #8), and secondly, the switching circuit to

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supply the second power supply voltage to the amplifier power-supply input (Fig. 3, #10; Col. 2, lines 56-59). Bergveld et al. anticipates that the power supply terminal (Fig. 3, #8) supplies two separate voltage levels because the voltage takes two different paths: one through a variable resistor and the other with no resistance. It is clear that these would have different voltage levels. Bergveld et al. anticipates that there is a switching circuit between the power supply outputs and the amplifier power-supply input. One of the voltage branches contains a switch (Fig. 3, #19). This switch, when not activated, would allow the second voltage level to be applied to the power amplifier. It can be anticipated that this switch performs the same function as the switching circuit claimed. Bergveld et al. anticipates that the level of the second power supply voltage is lower or higher than a level of the first power supply voltage if the power change command indicates that the output power has to decrease or increase, respectively. Bergveld et al. teaches that the table means selects the control input value so that the desired RF output power value is set (Col. 3, lines 28-32). However, Bergveld et al. does not anticipate that the switching circuit supplies the second power supply voltage to the amplifier power supply input during a transition period occurring at the end of a present one of the times slots and a start of a next one of the time slots. Bussen et al. teaches a communication device that is arranged for operation in a system based on time slots (Paragraph 22, lines 1-7; sleep mode period and wake-up period) and a transition period (Fig. 2, #42) during which the output power should be adapted. Bussen et al. also teaches that an event will determine if the communication device will exit sleep mode and increase power to the device. It would have been obvious to one of ordinary skill in the art that the transmitter

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of Bergveld et al. can be arranged for to perform the switching function during the power-up period of Bussen et al. because this would allow the power supply to last longer.

11. Regarding Claim 11, Bergveld et al. and Bussen et al. teach the system claimed in claim 10 as stated above. Bussen et al. further teaches the transmitter is arranged for operation in a transmission system based on time slots (Paragraph 22, lines 1-7; sleep mode period and wake-up period) and a transition period (Fig. 2, #42) during which the output power should be adapted, the transition period overlapping an end and or start of two successive time slots, respectively. Although Bussen et al does not explicitly state that the transition period overlaps an end or start of two successive time slots, since the communication device can not make a instant transformation from sleep period mode to wake-up mode, it is clear that a transition period would overlap the two modes of operation.

#### **Allowable Subject Matter**

12. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Response to Argument**

1. Applicant traverse claims 1,2,4 and 8 because the cited portions of Bergveld reference are not arranged as claimed and that in claim 1 and 8, the cited portion of



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Bergveld do not correspond to claim limitation as directed to a switching circuit arranged between the power supply output and the amplifier. The examiner disagrees on this because according to (fig.1; item # 19) the switching circuit is arranged between the power supply output and the amplifier supply input as in claims 1 and 8. The switching circuit supply the first power supply voltage to the amplifier power-supply input (Col. 3, lines 1-4), and the power supply to vary a level of the second power supply voltage (Col. 3, lines 38-41; variable resistor changes the level of the voltage from the power supply terminal #8), and secondly, the switching circuit to supply the second power supply voltage to the amplifier power-supply input (Fig. 3, #10; Col. 2, lines 56-59). Since claims 2 and 4 depend on 1, examiner maintain the same rejection for 2 and 4 based on rejected claim 1.

2. Applicant also traverse section 103(a) rejection of claims 3,9,10 and 11 of which are based upon Bergveld reference because the cited portion of Brevard do not correspond to all of the claim limitations as discussed above in connection with section 102(b) rejection of claims 1 and 8 and since 3 and 9 depend on 1 and 8 and 11 depend on 10 in which applicant amended. The examiner also disagree on this and maintain the same rejection for claims 3 and 9 which depend on claims 1 and 8 for the same reason of 1 and 8 above.

3. Applicant has amended claim 10 to contain a limitation that has been addressed in the original rejection. "Bergveld et al. teaches that the table means selects the control input value so that the desired RF output power value is set" (Col. 3, lines 28-32). Claim 11 depend on claim 10 that has been rejected based on the limitation in quote above.

**Conclusion**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajibola Akinyemi whose telephone number is (571) 270-1846. The examiner can normally be reached on monday- friday (8.30-5pm) Est. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on (571) 272-2194. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8-29-07

LANA LE  
PRIMARY EXAMINER